

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Charis Jones	Team: Squad #7	CCRB Case #: 201900580	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Tuesday, 01/15/2019 12:00 PM	Location of Incident: [REDACTED]	Precinct: 62	18 Mo. SOL 7/15/2020	EO SOL 3/1/2021	
Date/Time CV Reported Sat, 01/19/2019 1:24 PM	CV Reported At: CCRB	How CV Reported: On-line website	Date/Time Received at CCRB Sat, 01/19/2019 1:24 PM		

Complainant/Victim	Type	Home Address
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]

Witness(es)	Home Address
[REDACTED]	[REDACTED]

Subject Officer(s)	Shield	TaxID	Command
1. POF Jessica Hernandez	25513	946492	062 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Adam Hamada	22254	964043	062 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POF Jessica Hernandez	Abuse: Police Officer Jessica Hernandez stopped § 87(2)(b) [REDACTED]	[REDACTED]
B.POF Jessica Hernandez	Abuse: Police Officer Jessica Hernandez stopped § 87(2)(b) [REDACTED]	[REDACTED]
C.POF Jessica Hernandez	Abuse: Police Officer Jessica Hernandez threatened to arrest § 87(2)(b) [REDACTED]	[REDACTED]

Case Summary

On January 22, 2019, § 87(2)(b) filed this complaint online at the CCRB website.

On January 15, 2019, at approximately 12:00 p.m., inside of the Dunkin' Donuts located on 7823 17th Avenue in Brooklyn, Police Officer Jessica Hernandez and Police Officer Adam Hamada of the 62nd Precinct stopped § 87(2)(b) and § 87(2)(b) (**Allegation A and B: Abuse of Authority, § 87(2)(g)**). § 87(2)(b) and § 87(2)(b) observed the stop from outside. § 87(2)(b) exited the vehicle, entered the Dunkin' Donuts, identified himself as the brother of § 87(2)(b) and asked PO Hernandez what was going on and PO Hernandez allegedly said, "Do you want to take this back to the Precinct?" (**Allegation C: Abuse of Authority, § 87(2)(g)**).

There is no video evidence regarding this complaint.

Findings and Recommendations

Allegation A- Abuse of Authority: Police Officer Jessica Hernandez stopped § 87(2)(b)

Allegation B- Abuse of Authority: Police Officer Jessica Hernandez stopped § 87(2)(b)

Allegation C- Abuse of Authority: Police Officer Jessica Hernandez threatened to arrest § 87(2)(b)

§ 87(2)(b) (Board Review 03) who was § 87(2)(b) testified that that she was dismissed at 10:54 a.m. on January 15, 2019. § 87(2)(b) dismisses early from school on Fridays because she is § 87(2)(b). She waited at school until the end of the following period at 11:45 a.m. for her friend, § 87(2)(b). § 87(2)(b) and § 87(2)(b) went to the Dunkin' Donuts to wait for § 87(2)(b)'s father to pick them up. Approximately five minutes later, PO Hernandez and PO Hamada entered the location and immediately went up to § 87(2)(b) and § 87(2)(b). PO Hernandez asked to see their ID, and § 87(2)(b) and § 87(2)(b) provided them. PO Hernandez told them they were cutting class and § 87(2)(b) explained that they were seniors and had a different schedule than other students. Two minutes later her brother, § 87(2)(b) entered the Dunkin' Donuts and asked what was going on. § 87(2)(b) was speaking loudly at the time but was not yelling. PO Hernandez then said, "If you want we can take this back to the precinct" to § 87(2)(b). PO Hamada did not make any statements at this time nor did § 87(2)(b) or § 87(2)(b). Approximately two minutes later her father, § 87(2)(b) entered the location and told § 87(2)(b) to wait in the car. § 87(2)(b) exited the Dunkin' Donuts.

§ 87(2)(b) (Board Review 04) who was § 87(2)(b) provided a phone statement on March 15, 2019. She did not wish to provide an in-person statement. § 87(2)(b) testified that as soon as PO Hernandez and PO Hamada entered the Dunkin' Donuts, they immediately approached her and § 87(2)(b). PO Hernandez stated to them that they were cutting school. § 87(2)(b) then entered the location and asked what

was going on. PO Hernandez asked who he was and informed him that his sister was cutting. § 87(2)(b) denied that § 87(2)(b) was cutting. § 87(2)(b) then entered the Dunkin' Donuts and told § 87(2)(b) and § 87(2)(b) to keep calm and let the officer do her job. § 87(2)(b) exited the Dunkin' Donuts. PO Hernandez then put her hands on § 87(2)(b)'s arm. § 87(2)(b) asked PO Hernandez what she was doing and PO Hernandez said, "You are under arrest." § 87(2)(b) said, "For what?" PO Hernandez did not respond. § 87(2)(b) was then escorted out of the Dunkin' Donuts and placed into the back of a police vehicle.

§ 87(2)(b) (Board Review 01) testified that he and his father, § 87(2)(b) were on their way to pick up his sister, § 87(2)(b) and her friend, § 87(2)(b) from the Dunkin' Donuts § 87(2)(b). From outside, § 87(2)(b) observed PO Hernandez and PO Hamada enter the Dunkin' Donuts and walk directly to § 87(2)(b) and § 87(2)(b). The officers wrote on a note pad. § 87(2)(b) entered the Dunkin' Donuts. § 87(2)(b) approached and asked what was going on. PO Hernandez responded, "They're cutting." § 87(2)(b) told PO Hernandez that they were not cutting, they were seniors and were dismissed early and that he and his father had come to pick them up. PO Hernandez repeated that they were cutting. § 87(2)(b) complained that this was ridiculous and they continued to argue. § 87(2)(b) then approached. PO Hernandez said, "We can go to the precinct if you would like" to § 87(2)(b). § 87(2)(b) asked PO Hernandez what she meant by that and PO Hernandez repeated herself. PO Hamada did not make any statements at any point during this incident. § 87(2)(b) told § 87(2)(b) to wait in the car. § 87(2)(b) exited the Dunkin' Donuts while § 87(2)(b) and § 87(2)(b) remained inside with the officers.

§ 87(2)(b) (Board Review 02) testified that as he entered the Dunkin' Donuts, PO Hernandez was speaking to § 87(2)(b). § 87(2)(b) continued to ask what was going on and PO Hernandez asked § 87(2)(b) if he wanted to go back to the precinct. PO Hernandez then turned to § 87(2)(b) and said, "Who are you?" § 87(2)(b) pointed to § 87(2)(b) and said, "I am her father." § 87(2)(b) then told § 87(2)(b) that he was going to wait in the car and exited the Dunkin' Donuts.

PO Hamada (Board Review 05) testified that on the day of the incident he was partnered with PO Hernandez and operating the vehicle. PO Hernandez instructed PO Hamada to pull over when they were in front of the Dunkin' Donuts. PO Hamada and PO Hernandez entered the Dunkin' Donuts. PO Hamada could not recall what he saw in the Dunkin' Donuts nor could he remember how much time he and PO Hernandez spent at the location. During his interview, PO Hamada was shown a picture of § 87(2)(b). He did not recognize § 87(2)(b).

PO Hernandez (Board Review 06) did not recall this incident. A description of the incident was provided and she did not remember any aspect of it. PO Hernandez was shown a photo of § 87(2)(b). She did not recognize § 87(2)(b). PO Hernandez did not remember if she told § 87(2)(b) that he could be brought back to the precinct. PO Hernandez knew for certain that § 87(2)(b), where § 87(2)(b) and § 87(2)(b) were students, did not allow any students to leave the building during lunch and that if there are kids in the Dunkin' Donuts during school hours they were most likely cutting class. PO Hernandez goes to the Dunkin' Donuts regularly during school hours because it is a known location where kids cut school.

It is undisputed that § 87(2)(b) and § 87(2)(b) were stopped by PO Hernandez and PO Hamada at the Dunkin' Donuts. Although PO Hernandez could not provide an independent account of the incident, PO Hamada confirmed that he and PO Hernandez were at the Dunkin' Donuts on January 15, 2019.

NYPD Patrol Guide Procedure 215-07 states that observing a minor, who reasonably appears to be over the age of six and less than eighteen, outside of school on a day of instruction provides a basis to approach and ascertain if he or she is a truant (Board Review 07).

§ 87(2)(g)

§ 87(2)(g)

Civilian and Officer CCRB histories

- This is the first complaint to which § 87(2)(b) has been party to (Board Review 08).
- This is the first complaint to which § 87(2)(b) has been party to (Board Review 09).
- This is the first complaint to which § 87(2)(b) has been party to (Board Review 10).
- PO Hernandez has been a member-of-service for 11 years and has been a subject in five cases and ten allegations, none of which have been substantiated. § 87(2)(g)

Mediation, Civil, and Criminal Histories

- § 87(2)(b) declined to mediate this complaint.
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- § 87(2)(b)

§ 87(2)(b)

(Board Review 11).

- According to OCA, § 87(2)(b) has no history of convictions in New York City (Board Review 12).
 - According to OCA, § 87(2)(b) has no history of convictions in New York City (Board Review 13).
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Squad No.: 7

Investigator:	_____	_____	_____
	Signature	Print Title & Name	Date

Squad Leader:	_____	_____	_____
	Signature	Print Title & Name	Date

Reviewer:	_____	_____	_____
	Signature	Print Title & Name	Date